



Wolters Kluwer

CT Corporation
Service of Process Notification

01/30/2023

CT Log Number 543115242

Service of Process Transmittal Summary

TO: KIM LUNDY- EMAIL, Important Note here
Walmart Inc.
GLOBAL GOVERNANCE/CENTRAL INTAKE, 2914 SE I STREET MS#0200
BENTONVILLE, AR 72712-3148

RE: Process Served in Ohio

FOR: WALMART INC. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Re: KUBAITIS DAVID // To: WALMART INC.

DOCUMENT(S) SERVED: Summons, Notice, Attachment(s), Complaint

COURT/AGENCY: Cuyahoga County Court of Common Pleas, OH
Case # CV23973947

NATURE OF ACTION: Employee Litigation - Wrongful Termination - 04/07/2022

PROCESS SERVED ON: C T Corporation System, Columbus, OH

DATE/METHOD OF SERVICE: By Traceable Mail on 01/30/2023 postmarked on 01/25/2023

JURISDICTION SERVED: Ohio

APPEARANCE OR ANSWER DUE: Within 28 days after receipt, not counting the day of receipt (Document(s) may contain additional answer dates)

ATTORNEY(S)/SENDER(S): Daniel P. Petrov
Thorman Petrov Group Co., LPA
20046 Walker Road
Shaker Heights, OH 44122
216-621-3500

ACTION ITEMS: CT has retained the current log, Retain Date: 01/30/2023, Expected Purge Date: 02/09/2023

Image SOP

REGISTERED AGENT CONTACT: C T Corporation System
4400 Easton Commons Way
Suite 125
Columbus, OH 43219
877-564-7529
MajorAccountTeam2@wolterskluwer.com

The information contained in this Transmittal is provided by CT for quick reference only. It does not constitute a legal opinion, and should not otherwise be relied on, as to the nature of action, the amount of damages, the answer date, or any other information contained in the included documents. The recipient(s) of this form is responsible for reviewing and interpreting the included documents and taking appropriate action, including consulting with its legal and other advisors as necessary. CT

EXHIBIT A



CT Corporation
Service of Process Notification

01/30/2023

CT Log Number 543115242

disclaims all liability for the information contained in this form, including for any omissions or inaccuracies that may be contained therein.

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ZIP 44102 **\$ 007.09⁰**
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0000367348 JAN. 25. 2023



NAILAH K. BYRD
1200 Ontario
Cleveland, OH 44113

RETURN RECEIPT REQUESTED ELECTRONICALLY



9314 8001 1300 3547 8586 17

Case# CV23973947



WALMART, INC.
STAT. AGENT, CT CORPORATION SYSTEM
4400 EASTON COMMONS WAY, STE 125
COLUMBUS OH 43219

THE COURT OF COMMON PLEAS, CIVIL DIVISION
CUYAHOGA COUNTY, OHIO

Clerk of Courts | The Justice Center | 1200 Ontario Street 1st Floor, Cleveland, Ohio 44113

DAVID KUBAITIS
Plaintiff

CASE NO. CV23973947

JUDGE JOHN J RUSSO

V.

WALMART, INC., ET AL
Defendant

SUMMONS SUMC CM

Notice ID: 49610433



From: DAVID KUBAITIS P1
10023 REGATTA TRAIL
REMINDERVILLE OH 44202

Atty.: DANIEL P PETROV
20046 WALKER AVENUE
SHAKER HEIGHTS, OH 44122

To: WALMART, INC. D2
STAT. AGENT, CT CORPORATION SYSTEM
4400 EASTON COMMONS WAY, STE 125
COLUMBUS OH 43219

NOTICE TO THE DEFENDANT:

The Plaintiff has filed a lawsuit against you in this Court. You are named as a defendant. A copy of the **Complaint** is attached.

If you wish to respond to the Complaint, you must deliver a written **Answer** to the Plaintiff's attorney (or the Plaintiff if not represented by an attorney) at the above address *within 28 days* after receiving this Summons (not counting the day you received it). A letter or a phone call will not protect you. Civil Rule 5 explains the ways that you may deliver the **Answer** (<http://www.supremecourt.ohio.gov/LegalResources/Rules/civil/CivilProcedure.pdf>)

You must also file a copy of your **Answer** with this Court within 3 days *after* you serve it on the Plaintiff. You can file your **Answer** with the Clerk of Courts by one of the following methods: 1) In-person or by mail at the above address or 2) electronically through the online e-Filing system. For more information on using the e-Filing system, visit <http://coc.cuyahogacounty.us/en-US/efiling.aspx>.

If you fail to serve *and* file your **Answer**, you will lose valuable rights. The Court will decide the case in favor of the Plaintiff and grant the relief requested in the **Complaint** by entering a default judgment against you.

You may wish to hire an attorney to represent you. Because this is a civil lawsuit, the Court cannot appoint an attorney for you. If you need help finding a lawyer, contact a local bar association and request assistance.



Nailah K. Byrd
Clerk of Court of Common Pleas
216-443-7950

Date Sent: 01/24/2023

By 
Deputy



Cuyahoga County Clerk of Courts
Nailah K. Byrd

Multilingual Notice:

You have been named as a defendant in this Court. You must file an answer within 28 days; if you fail to answer, the Court may enter judgment against you for the relief stated in the Complaint. Seek assistance from both an interpreter and an attorney. Your inability to understand, write, or speak English will not be a defense to possible judgment against you.

1. Spanish (US)

***Aviso multilingüe:

Este Tribunal lo ha declarado como acusado. Debe presentar una respuesta en un plazo de 28 días. Si no contesta en dicho plazo, el Tribunal podrá dictar sentencia en su contra por el amparo que se detalla en la demanda. Solicite la ayuda de un intérprete y de un abogado. Su incapacidad para comprender, escribir o hablar inglés no se considerará como defensa ante una posible sentencia en su contra.

2. Somali

***Ogeysiis luqadda badan ah:

Waxaa lagu magacaabay sida eedeysane gudaha Maxkamadan. Waa in aad ku soo gudbisaa jawaab 28 maalmood gudahood; haddii aad ku guuldareysto jawaabta, Maxkamada laga yaabo in ay gasho xukun adiga kaa soo horjeedo ee ka nasashada lagu sheegay Cabashada. Raadi caawinta ka timid labadaba turjubaanka iyo qareenka. Karti la'aantaada aad ku fahmo, ku qoro, ama ku hadasho Af Ingiriisiga ma noqon doonto difaacida xukunkaaga suuralka ah ee adiga kugu lidka ah.

3. Russian

***Уведомление на разных языках:

Вы были названы в качестве ответчика в данном суде. Вы должны предоставить ответ в течение 28 дней; если Ваш ответ не будет получен, суд может вынести решение против Вас и удовлетворить содержащиеся в жалобе требования. Воспользуйтесь услугами переводчика и адвоката. Тот факт, что Вы не понимаете английскую речь и не можете читать и писать по-английски, не является препятствием для возможного вынесения судебного решения против Вас.

4. Arabic

***ملاحظة متعددة اللغات:

لقد تم اعتبارك مدعى عليه في هذه المحكمة. يجب أن تقدم ردا خلال 28 يوما؛ وإذا لم تقم بالرد، فقد تصدر المحكمة حكما ضدك بالتعويض المنصوص عليه في هذه الشكوى القضائية. اطلب المساعدة من مترجم فوري ومحام. فلن تعد عدم قدرتك على فهم اللغة الإنجليزية أو كتابتها أو تحديثها دفاعا لك أمام الحكم المحتمل ضدك.

5. Chinese (Simplified)

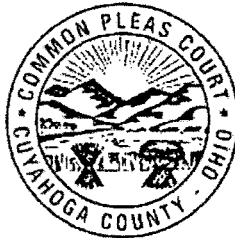
***多語版本通知：

您在本法庭已被列为被告。您必须于 28

日内递交答辩状；如果没有递交答辩状，法庭会针对诉状中声明的补救措施对您作出不利判决。请向口译人员和律师寻求帮助。您无法理解、书写或说英语的情况不能作为对您可能作出不利判决的辩护理由。

Justice Center, 1st Floor • 1200 Ontario Street • Cleveland, Ohio 44113-1664 • 216.443.7950

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NAILAH K. BYRD
CUYAHOGA COUNTY CLERK OF COURTS
1200 Ontario Street
Cleveland, Ohio 44113

Court of Common Pleas

New Case Electronically Filed: COMPLAINT
January 18, 2023 12:51

By: DANIEL P. PETROV 0074151

Confirmation Nbr. 2752218

DAVID KUBAITIS

CV 23 973947

VS.

Judge: JOHN J. RUSSO

WALMART, INC., ET AL

Pages Filed: 4

**IN THE COURT OF COMMON PLEAS
CUYAHOGA COUNTY, OHIO**

DAVID KUBAITIS ,
10023 Regatta Trail
Reminderville, OH 44202

Plaintiff,

vs.

Walmart, Inc.
South Euclid Supercenter #2362,
1868 Warrensville Center Road,
South Euclid, OH 44121,

and

Walmart, Inc.
% its statutory agent ,
CT Corporation System
4400 Easton Commons Way, Suite 125
Columbus, OH 43219

CASE NO.:

JUDGE

COMPLAINT

**Plaintiff demands a trial by jury on all
issues triable of right by a jury, pursuant
to Ohio Civ. R. 38**

INTRODUCTION

1. Plaintiff David Kubaitis is an Ohio resident.
2. Defendants Walmart, Inc., and its South Euclid Supercenter #2362 ("Defendants") do business in Ohio and Cuyahoga County.
3. Plaintiff is an "employee" within the meaning of Chapter 4112 of the Ohio Revised Code.
4. Defendants are a "person," and an "employer" as defined and used in Chapter 4112 of the Ohio Revised Code.
5. Plaintiff was employed by Defendant until on or about April 2022.
6. Plaintiff filed a charge of discrimination with the United States Equal Employment Opportunity Commission, and any administrative prerequisites for this suit are met.

7. These claims are timely brought under Ohio law, and jurisdiction and venue are proper.

FACTS APPLICABLE TO ALL CLAIMS

8. Plaintiff incorporates by reference the allegations from the preceding paragraphs as if fully re-alleged herein.
9. Defendant hired Plaintiff in or about September 2017.
10. At all times relevant hereto, Plaintiff was over the age of forty (40), male, and Caucasian.
11. Plaintiff was born on September 1, 1963.
12. Plaintiff was qualified for the position(s) in which he was employed and for which he applied or was considered.
13. At all times relevant to this Complaint, Plaintiff was able to perform and did successfully perform the duties and responsibilities of the position(s) he held.
14. On or about April 7, 2022, Defendant terminated Plaintiff's employment.
15. Defendant did not terminate Plaintiff for any reasons related to his work performance, his adherence to company policy and practice, or for just cause.

CAUSE OF ACTION

(Violation of R.C. § 4112, *et. seq.* – Age, Sex, and Race Discrimination)

16. Plaintiff incorporates by reference the allegations from the preceding paragraphs as if fully re-alleged herein.
17. Defendant unlawfully discriminated against Plaintiff because of his age, sex, and race, with respect to the terms, conditions and privileges of his employment, including, but not limited to, terminating his employment, refusing to transfer, rehire or recall Plaintiff into other available positions for which he was qualified, subjecting him to unfair and unwarranted criticism, paying him less than substantially younger, female, and non-Caucasian similarly

situated employees, replacing him with and/or transferring his job duties to a substantially younger individual or substantially younger, female, and non-Caucasian individuals, undermining his professional relationships, denying him opportunities given to substantially younger, female, and non-Caucasian individuals, and treating Plaintiff less favorably than substantially younger, female, and non-Caucasian similarly situated employees in violation of Chapter 4112 of the Ohio Revised Code.

18. As a direct and proximate result of Defendant's unlawful conduct, Plaintiff suffered and will continue to suffer economic and non-economic damages, including, but not limited to, past and future economic and non-economic losses, back pay, front pay, lost earning capacity, pain and suffering, and the loss of salary, benefits, bonuses and other privileges and conditions of employment.
19. Defendant's discriminatory actions against Plaintiff in violation of Ohio Revised Code Chapter 4112 were intentional, willful, reckless, and/or malicious, and render Defendant liable for past and future economic and non-economic compensatory and punitive damages, as well as attorneys' fees, costs, expenses, and any equitable relief that this Court deems appropriate.

PRAYER FOR RELIEF

Plaintiff David Kubaitis seeks an amount in excess of \$25,000 to fully, fairly, and justly compensate him for his injuries, damages, and loss, and respectfully prays that this Court enter judgment in his favor and award him past and future economic and non-economic compensatory damages, including but not limited to pain and suffering, back pay, front pay, fringe benefits, consequential damages, special damages, incidental damages, punitive damages, interest,

attorneys' fees, expenses, all fees and costs, and any additional equitable relief that the Court deems appropriate, including, but not limited to, reinstatement and promotion.

Respectfully submitted,

/s/ Daniel P. Petrov

DANIEL P. PETROV (0074151)

dpetrov@tpgfirm.com

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Shaker Heights, Ohio 44122
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Attorneys for Plaintiff David Kubaitis